

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

IN THE INTEREST OF: S.M.F.

JUVENILE OFFICER

**v.
C.E.F. (MOTHER)**

RESPONDENT,

APPELLANT.

DOCKET NUMBER WD75548 Consolidated with WD75626

DATE: March 19, 2013

Appeal From:

Platte County Circuit Court
The Honorable Owens Lee Hull, Jr., Judge

Appellate Judges:

Division Three: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt, Judge

Attorneys:

Tammy Jo Glick, Platte City, MO, for respondent.

Peter W. Schloss, Liberty, MO and Christopher T. Patterson, Kansas City, MO, for appellant.

MISSOURI APPELLATE COURT OPINION SUMMARY

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IN THE INTEREST OF: S.M.F.

JUVENILE OFFICER,

v.

C.E.F. (MOTHER),

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No. WD75548 Consolidated with WD75626

Platte County

Before Division Three: Cynthia L. Martin, Presiding Judge, Joseph M. Ellis, Judge and Gary D. Witt, Judge

C.E.F. appeals from the trial court's judgment terminating her parental rights to her daughter, S.M.F., on two statutory grounds: abuse and neglect, pursuant to section 211.447.5(2), and failure to rectify, pursuant to section 211.447.5(3). In her nine points on appeal, Mother argues that the trial court erred in finding that there was a statutory ground for terminating her parental rights and in finding that termination of her parental rights was in the best interests of Daughter.

Affirmed and remanded with instructions to address a pending motion for attorney's fees.

Division Three holds:

(1) The trial court merely referenced section 211.447.2(1) to establish that the jurisdictional trigger to file the petition for termination of parental rights had been satisfied. The judgment does not suggest that the trial court relied upon section 211.447.2(1) as a statutory ground for termination.

(2) The trial court's finding of abuse and neglect was supported by substantial evidence. Mother, although physically and financially able to do so, repeatedly and continuously failed to support Daughter, financially or otherwise. Mother had her GED, was employed in the past, and conceded that she was able to work. Mother also repeatedly failed to take advantage of offered referrals for services such as social security disability and food stamps.

(3) The trial court made sufficiently detailed findings regarding Mother's failure to rectify based on Mother's failures to follow social service plans and her nonexistent or unsatisfactory participation in visitation with Daughter. The trial court's findings clearly indicate that its initial concerns about Mother's ability to care for Daughter at the time jurisdiction was assumed continued and persisted through the date of termination.

(4) The weight afforded by the trial court to Mother's evidence of compliance with social service plan recommendations she had previously (and on several occasions) refused to follow was not an abuse of discretion, particularly where Mother's efforts to comply did not begin until after the termination petition was filed.

(5) The trial court's summary findings related to the termination of Mother's parental rights being in Daughter's best interests are sufficiently detailed to permit appellate review where the evidence facially supporting the findings was otherwise meticulously detailed in the judgment's discussion of the statutory grounds for termination.

(6) It is the more appropriate province of the trial court to determine whether and in what amount fees should be awarded to court-appointed counsel for legal service on appeal, requiring remand to address Mother's counsel's pending motion for an award of attorney's fees permitted by statute.

Opinion by Cynthia L. Martin, Judge

March 19, 2013

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